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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

CHRISTMAN, K

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

4
08/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/626,145

Applicant(s)

OHNO, HIROMASA

Examiner

Kathleen M Christman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 1-50 are pending in this application. Claims 1, 18, 20-28, 41, and 43-50 are independent and claim 31 is multiple dependent. It is noted that the applicant owes the following fees: (17 independent claims above 3) x \$78 = \$1326 + \$260 (for the first occurrence of a multiple dependent claim)= \$1586.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 4, 16, 18-27, and 45-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claims 4 and 16, the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Claims 20-27 and 45-50 are unclear and confusing as to what structural elements or method steps the applicant intends to claim, as they do not contain the either of the phrases "comprising" or "further comprising".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-5, 8-12, 15, 20, 28-32, 35-38, 41, 43, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (US 6,064,856). The broadly claimed structure can be interpreted as the educational system of Lee et al. Regarding claims 1 and 28, Lee et al discloses a system and method which contains, a trainee (student) terminal which is used for the purpose of

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providing training material to the user, a manager (teacher) terminal which includes means for reading training material and training results that have been correlated, a computer connected to both the student and teacher terminal, via a communication line, that correlates lecture information and lecture results, see Figure 1. Regarding claims 10 and 37, The system functions over a network, which inherently contains a server, web or otherwise, and of which the Internet is inherently. The system includes tests set in the training course for checking the level of understanding of the trainee and the lecture information includes progress information and results of the test, see Figure 3, claim 2 and 29. The system is additionally capable of determining an "appropriateness" level in that the program is capable of tailoring lecture content to the user's needs, claims 3 and 30, see col. 5: 19+. The computer contains means for analyzing the abilities of the users retention of the knowledge through tests, claims 4 and 31, the quiz results are sent back to the user of the system and training is provided on those areas that the user did not comprehend, claims 5 and 32, see col. 7: 19-26.

Regarding claims 8 and 35, there are a plurality of educational courses offered, each of which is divided into chapters, which are further divided into sections, and additionally have a quiz following each section and refusing allowing the user to take the next section without reaching a predetermined level of understanding (claims 9 and 36), see figure 10-13. The presentations are created as and displayed as audio-visual, which is inherently the same as a "multimedia presentation", claims 11, 12, and 38, see col. 6: 14-19. Regarding claims 15 and 41, the teacher is able to explicitly state what the training content for the student will include, see col. 9: 29-35. Claim 43 corresponds in scope to claim 41 and is rejected for the same reason. Claim 20 corresponds in scope to claim 15 and is rejected for the same reasons.

5. Claims 1, 13, 28 and 39, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Bullen (US 6033226). Regarding claims 1 and 28, Bullen teaches a training system and method of use which includes a trainee terminal where a user receives training material, a computer for training management connected to both a manager terminal and a the trainee terminal that correlates training information and a manager or supervisor terminal where a manager can view the correlated information from the computer for training management. Regarding claims 13 and 39, the system of

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Bullen is designed to provide a training tool that allows a user to learn skills associated with operating and maintaining tools.

6. Claims 1, 16-19, 21-28, 42, and 44-50, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Ho et al (US 6213780 B1). Regarding claims 1 and 28, Ho et al teaches a training system and method of use which includes a trainee terminal where a user receives training material, a computer for training management connected to both a manager terminal and a the trainee terminal that correlates training information and a manager or supervisor terminal where a manager can view the correlated information from the computer for training management. Regarding claims 16-19, 21-27, 42, and 44-50, the claims are general drawn to notifying either a user or a manager of changes made to training requirements, or training materials offered in the training system. Additionally, the claims are directed to allowing a manager of an employee change the required training for a trainee, if the manager has proper authorization. The invention Ho et al is drawn to a training management system for tracking employee training, allowing a company manager to change an employees job title or job description (i.e. when the employee is promoted), if the manager has the proper authorization. Ho et al additionally includes a means for informing an employee that they require additionally training due to a change in job description. See figures 1-21; particularly figure 21.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 6, 7, 33 and 34, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. Lee et al discloses all aspects of the invention, as described above, with the exceptions of transmitting a "delay message" to both the trainee and the manager when the user falls behind by a predetermined amount of time (claims 6 and 33) and sending a "demand message" when the user has fallen behind by a certain number of days (claims 7 and 34). Lee et al does however, teach that a message is sent to the manager if the user is falling behind, see col. 6: 49-60. It would be an obvious modification to incorporate sending a notification to the user that they have fallen behind in a course. Additionally, changing the time from a matter of minutes or hours to days is considered a matter of design choice, since any training program may be easily modified from a short lecture length (1-2 hours) to a much longer training period (3-4 months) and vice versa.

10. Claims 14 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullen. Bullen teaches all aspects of the invention with the exception of the training system being used to teach a user a specific apparatus of "an apparatus used in semiconductor manufacturing". However, it would be obvious to one of ordinary skill in the art, that the changing the equipment of Bullen to reflex those apparatuses on the semiconductor industry would be a simple matter of design choice.

Conclusion

11. Unless specifically noted in a section entitled "Allowable Subject Matter", the subject matter of the claims currently pending in this application is not considered to be patentably distinct from the prior art.


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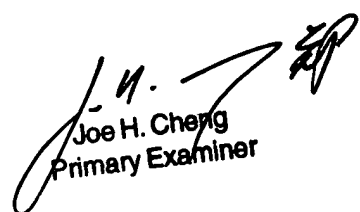
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Hollingsworth (US 6157808) teaches a system and method for training and certifying employees for various jobs
 - b. Richard et al (US 6162060) discloses a networked based educational management system
 - c. Hitchcock et al (US 5823781) discloses a method and system for providing training to a user
 - d. Corder (US 5692906) discloses a system and method for guaranteeing a minimum proficiency in a given subject area
 - e. Abrahamson et al (US 5002491) discloses a general education system provided over a network, including the use of multimedia
 - f. Shimizu (US 6002915) teaches a management system for interactive on-line training

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Velencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Kathleen Christman
Patent Examiner
August 7, 2001


Joe H. Cheng
Primary Examiner